

Statutes and Regulations **Veterinary**

July 2022



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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CHAPTER 98. VETERINARIANS

Article

1. Board of Veterinary Examiners (§§ 08.98.010 – 08.98.100)
2. Licensing (§§ 08.98.120 – 08.98.200)
3. Enforcement (§§ 08.98.235, 08.98.245)
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ARTICLE 1. BOARD OF VETERINARY EXAMINERS

Section

10. Creation and membership of the board
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Sec. 08.98.010. Creation and membership of the board. There is created the Board of Veterinary Examiners composed of five members appointed by the governor and approved by the legislature. Four members shall be licensed veterinarians who have been in active practice in the state for at least five years preceding appointment and one shall be a public member. A person may not serve on the board who is, or was during the last two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school.

Sec. 08.98.020. Term of Office. *[Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.035.]*

Sec. 08.98.025. Removal of board members. *[Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.020.]*

Sec. 08.98.030. Executive secretary of board. *[Repealed, Sec. 16 ch 130 SLA 1980.]*

Sec. 08.98.040. Board meetings. The board shall hold at least three meetings each year. The board may hold special meetings at the call of the chairman or of a majority of the members. A majority of board members constitutes a quorum and a majority vote of those present is the decision of the board.

Sec. 08.98.050. Powers and duties of the board. (a) The board shall

- (1) establish examination requirements for eligible applicants for licensure to practice veterinary medicine;
- (2) examine, or cause to be examined, eligible applicants for licensure or registration;
- (3) approve the issuance of licenses and student permits to qualified applicants;
- (4) establish standards for the practice of veterinary medicine by regulation;
- (5) conduct disciplinary proceedings in accordance with this chapter;
- (6) adopt regulations requiring proof of continued competency before a license is renewed;
- (7) as requested by the department, monitor the standards and availability of veterinary services provided in the state and report its findings to the department;
- (8) collect, or cause to be collected, data concerning the practice of veterinary technology by veterinary technicians in the state and submit the data to the department for maintenance;
- (9) establish, by regulation, educational and training requirements for
 - (A) the issuance of student permits; and
 - (B) the delegation of duties by veterinarians licensed under this chapter to veterinary technicians;
- (10) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n);
- (11) identify resources and develop educational materials to assist licensees to identify an animal owner who may be at risk for abusing or misusing an opioid.

(b) The board may

- (1) establish examination and registration requirements for veterinary technicians;
- (2) adopt regulations or do any act necessary to carry out its duties under this chapter.

Sec. 08.98.060. Board regulations. *[Repealed, Sec. 16 ch 130 SLA 1980. For current law, see AS 08.98.050.]*

Sec. 08.98.070. Duties of the department. The department shall furnish the board with administrative services, including renting space for holding examinations, printing and mailing licenses and student permits, sending notices, before December 1 of each year, that licenses must be renewed, collecting fees and issuing receipts, keeping a current register of licensees, employing secretarial assistants, replying to routine requests for information, printing forms and informational bulletins, typing all matter to be reproduced, maintaining records and completed examinations, and keeping records of receipts and disbursements.

Sec. 08.98.080. Department regulations. The department shall adopt procedural regulations necessary to carry out the duties imposed on it by AS 08.98.070.

Sec. 08.98.090. Applicability of the Administrative Procedure Act. AS 44.62 (Administrative Procedure Act) applies to regulations and proceedings under this chapter.

Sec. 08.98.100. Compensation. Members of the board are entitled to per diem allowances and transportation expenses allowed by law and paid members of other state examining boards.

ARTICLE 2. LICENSING

Section

- 120. License required; prohibitions; penalty
- 125. Exemptions
- 150. Administration of examination
- 160. Reexamination
- 165. Qualification for license
- 167. Qualification for technician license
- 180. Temporary license
- 184. Licensure by credentials
- 186. Temporary permit
- 188. Student permit
- 190. Fees
- 200. Reinstatement of lapsed license

Sec. 08.98.120. License required; prohibitions; penalty. (a) A person may not practice veterinary medicine, surgery, or dentistry unless the person is licensed as a veterinarian under this chapter or has a temporary permit issued under AS 08.98.186, except that a person may perform functions authorized by

- (1) regulation of the board if the person is licensed as a veterinary technician; or
- (2) a permit issued under AS 08.02.050 if the person is employed by an agency that has a permit issued under AS 08.02.050.

(b) A person may not

- (1) present or attempt to use a license or permit that was issued under this chapter to another person, either directly or by impersonation;
- (2) secure or attempt to secure a license or permit under this chapter through deceit, fraud, or intentional misrepresentation;
- (3) use or attempt to use an expired or revoked license or permit knowing of the license's or permit's status; or
- (4) falsely claim to be licensed or to hold a permit under this chapter.

(c) Violation of this section is a misdemeanor punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both.

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

(1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;

(2) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state; in this paragraph, "consultation" means advice or assistance provided in person, telephonically, electronically, or by any other method of communication from a veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit the animal; and

(3) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board.

Sec. 08.98.130. Examination. *[Repealed, Sec. 16 ch 130 SLA 1980.]*

Sec. 08.98.140. Content of examination. *[Repealed, Sec. 6 ch 5 SLA 1998.]*

Sec. 08.98.150. Administration of examination. The board shall offer examinations at least once a year. Examinations shall be so administered that, whenever possible, one who grades a written examination does not know the identity of the examinee whose test is being graded.

Sec. 08.98.160. Reexamination. A person who fails an examination may apply for a subsequent examination, but shall pay the examination fee each time the person applies.

Sec. 08.98.165. Qualification for license. (a) An applicant is qualified to receive a license as a veterinarian who

- (1) is a graduate of an accredited veterinary school or who has successfully completed the Educational Commission for Foreign Veterinary Graduates certification process;
- (2) has, within the 60 months preceding application for the license, passed a national examination for veterinarians approved by the board;
- (3) has passed the written examination of the state on specific Alaska issues of veterinary practice;
- (4) is in good standing, as defined by the board in regulations; and
- (5) has paid required fees.

(b) *[Repealed, Sec. 6 ch 5 SLA 1998.]*

Sec. 08.98.167. Qualification for technician license. The board shall adopt regulations under which a person may qualify to be licensed as a veterinary technician.

Sec. 08.98.170. Qualification for examination. *[Repealed, Sec. 16 ch 130 SLA 1980. For current law, see AS 08.98.165.]*

Sec. 08.98.180. Temporary license. A person who meets the requirements of AS 08.98.165(a)(1), (4), and (5) is entitled to be temporarily licensed after applying for examination if the person works under the supervision of a licensed veterinarian. A license issued under this section is valid until the results of the examinations are published. A person may not receive more than one temporary license. An application for a temporary license must be signed by the supervising veterinarian and accompanied by the temporary license fee required under AS 08.98.190.

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country if the applicant

- (1) has graduated from an accredited school of veterinary medicine or has successfully completed the Educational Commission for Foreign Veterinary Graduates certification process;
- (2) has been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;
- (3) has passed the written examination of the state on specific Alaska issues of veterinary practice;
- (4) is in good standing, as defined by the board in regulations; and
- (5) has paid required fees.

Sec. 08.98.186. Temporary permit. A person licensed to practice veterinary medicine in another state who meets the requirements of AS 08.98.165(a)(1), (4), and (5) may be granted a temporary permit to conduct the practice of a person licensed in the state who is absent from practice. An application shall be signed by the person who is or will be absent from practice and by the applicant. A temporary permit is valid for no longer than 60 days after issuance but may be renewed.

Sec. 08.98.188. Student permit. (a) The board may approve the issuance of a student permit to a student enrolled in and in good standing at an accredited college of veterinary medicine who has completed three years of study and is participating in an externship program as part of the college's educational curriculum.

- (b) A student permit is valid for not longer than one year and may not extend beyond the student's graduation.
- (c) A holder of a student permit is subject to the following limitations:
 - (1) assistance in diagnosis and surgery must be under the immediate supervision of a veterinarian licensed in this state;
 - (2) assistance in treatment must be under the direct or indirect supervision of a veterinarian licensed in this state;
 - (3) not more than one student permit holder at a time may be under the direct supervision of a veterinarian licensed in this state; and
 - (4) a veterinary practice may not retain more than two student permit holders at a time.
- (d) The board shall establish requirements for student permits by regulation.
- (e) A person holding a permit under this section is not subject to provisions of this chapter other than this section.

(f) In this section,

(1) "direct supervision" means the supervising veterinarian is on the premises where the animal is being treated and is quickly and easily available;

(2) "immediate supervision" means the supervising veterinarian is in the immediate area and within audible and visual range of the animal patient and the person treating the patient;

(3) "indirect supervision" means the supervising veterinarian does not need to be on the premises but has given either written or oral instructions for the treatment of the animal;

(4) "veterinary practice" means a business that provides veterinary services.

Sec. 08.98.190. Fees. The department shall set fees under AS 08.01.065 for the following:

(1) application;

(2) examination;

(3) investigation of credentials;

(4) license;

(5) license renewal;

(6) temporary license;

(7) temporary permit.

Sec. 08.98.200. Reinstatement of lapsed license. A person whose license has lapsed is entitled to have the license reinstated without taking an examination unless the license has remained lapsed more than five years.

Sec. 08.98.210. Out-of-state veterinarian. *[Repealed, Sec. 16 ch 130 SLA 1980. For current law, see AS 08.98.184 and 08.98.186.]*

ARTICLE 3. ENFORCEMENT

Section

235. Grounds for imposition of disciplinary sanctions

245. Maximum dosage for opioid prescriptions

Sec. 08.98.230. Injunction. *[Repealed, Sec. 16 ch 130 SLA 1980. For current law, see AS 08.98.235.]*

Sec. 08.98.235. Grounds for imposition of disciplinary sanctions. After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the person

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or other crime which affects the person's ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of animal care by the person's supervisees which does not conform to minimum professional standards regardless of whether actual injury to the animal occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or other drugs which impairs the person's ability to practice safely;

(C) physical or mental disability;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service;

(9) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.98.245;

(10) procured, sold, prescribed, or dispensed drugs in violation of a law, regardless of whether there has been a criminal action.

Sec. 08.98.240. Disciplinary sanctions. *[Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.075.]*

Sec. 08.98.245. Maximum dosage for opioid prescriptions. (a) A veterinarian may not issue an initial prescription for an opioid that exceeds a seven-day supply to the owner of an animal patient for outpatient use.

(b) Notwithstanding (a) of this section, a veterinarian may issue a prescription for an opioid that exceeds a seven-day supply to the owner of an animal if the veterinarian determines that more than a seven-day supply of an opioid is necessary

(1) to treat the animal's medical condition or for chronic pain management; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal's medical condition or chronic pain; the veterinarian shall document in the animal's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) for an owner who is unable to access a veterinarian or pharmacist within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal for the time that the owner is unable to access a veterinarian or pharmacist; the veterinarian shall document in the animal's medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition.

ARTICLE 4. GENERAL PROVISIONS

Section

250. Definitions

Sec. 08.98.250. Definitions. In this chapter,

(1) “accredited veterinary school” means a veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine, or its equivalent as determined by the board, and conforms to the standards required for accreditation by the American Veterinary Medical Association;

(2) “animal” means any animal other than a human being including mammals, birds, fish, and reptiles, wild or domestic, living or dead;

(3) “board” means the Board of Veterinary Examiners;

(4) “department” means the Department of Commerce, Community, and Economic Development;

(5) “opioid” includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160

(6) “practice of veterinary medicine”

(A) means for compensation to

(i) diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of a drug, biologic apparatus, anesthetic, or other therapeutic or diagnostic substance;

(ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or

(iii) render advice or recommendation with regard to any matter listed in (i) or (ii) of this subparagraph;

(B) means to represent, directly or indirectly, publicly or privately, an ability or willingness to do any act in (A) of this paragraph for compensation;

(C) means to use a description title, abbreviation, or letters in a manner or under circumstances tending to induce the belief that the person using it or them is qualified or licensed to do any act in (A) of this paragraph whether or not for compensation;

(D) does not include, whether or not for compensation,

(i) practices related to artificial insemination and the use of a title, abbreviation, or letters in a manner which induces the belief that the person using them is qualified to perform artificial insemination;

(ii) the practices of a farrier done in the performance of the farrier’s profession;

(iii) standard practices commonly performed on farm or domestic animals in the course of routine farming or animal husbandry, when performed by an owner or the owner’s employee unless ownership of the animal is transferred for the purpose of avoiding application of this chapter or the primary purpose of hiring the employee is to avoid application of this chapter;

(7) “veterinary technician” means a person who performs functions delegated by a veterinarian licensed under this chapter.

CHAPTER 68.
BOARD OF VETERINARY EXAMINERS.

Article

- 1. Veterinary Licensing and Examination (12 AAC 68.010 – 12 AAC 68.048)**
- 2. Standards of Practice (12 AAC 68.050 – 12 AAC 68.210)**
- 3. Continuing Competency Requirements for Veterinarians and Veterinary Technicians (12 AAC 68.220 – 12 AAC 68.240)**
- 4. Veterinary Technicians (12 AAC 68.300 – 12 AAC 68.360)**
- 5. Student Permit (12 AAC 68.500)**
- 6. General Provisions (12 AAC 68.900 – 12 AAC 68.990)**

ARTICLE 1.
VETERINARY LICENSING AND EXAMINATION.

Section

- 10. Application for a license by examination**
- 15. Examinations**
- 20. (Repealed)**
- 30. Notification of applicants**
- 35. License by credentials**
- 40. Application for license**
- 41. Courtesy license**
- 45. Temporary license**
- 46. Temporary permits**
- 47. Renewal and reinstatement of license**
- 48. Good standing**

12 AAC 68.010. APPLICATION FOR A LICENSE BY EXAMINATION. (a) An applicant for a license by examination to practice veterinary medicine, surgery, or dentistry shall submit to the board

- (1) a completed application, on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.350;
 - (3) evidence that, within 60 months before the date of application, the applicant has passed the North American Veterinary License Examination, administered by the International Council for Veterinary Assessment (ICVA);
 - (4) official college transcripts showing graduation from an accredited veterinary school, or official records showing successful completion of the Educational Commission for Foreign Veterinary Graduates certification process required by AS 08.98.165(a)(1);
 - (5) if the applicant is, or has ever been, licensed as a veterinarian in another jurisdiction, verification of licensure and evidence of good standing as set out in 12 AAC 68.048, including the disposition of any disciplinary action taken or pending against the applicant, from all licensing jurisdictions where the applicant holds or has ever held a veterinary license;
 - (6) a completed Veterinary Information Verifying Agency (VIVA) score reporting form sent directly from the American Association of Veterinary State Boards;
 - (7) on a form provided by the department, four letters of professional reference completed by veterinarians licensed in this state or another jurisdiction who are familiar with the applicant's training or work in veterinary medicine; if the applicant graduated from a veterinary school within the two years immediately preceding the date of application, two letters of professional reference may be completed and submitted by instructors at the applicant's veterinary school; a letter of professional reference must
 - (A) be sent directly to the department from the person completing the professional reference; and
 - (B) evidence the applicant's good standing under AS 08.98.165(a)(4) and 12 AAC 68.048 by indicating that the applicant is professionally competent, reliable, and worthy of confidence;
 - (8) any other documentation that the board determines is necessary to document compliance with AS 08.98.165.
- (b) An application for licensure by examination and all supporting documents must be received by the department not later than 15 days before the deadline to register for the examination, as set by the International Council for Veterinary Assessment (ICVA).
- (c) In addition to the requirements of (a) of this section, an applicant for a license by examination must pass the state written examination required under 12 AAC 68.015.
- (d) The board will approve an applicant to sit for the examination in (a)(3) of this section if the applicant is in the final year of veterinary school and a letter of good standing, approved by the board, is received directly by the division from the dean of the applicant's veterinary school.

Authority: AS 08.98.050

AS 08.98.165

Editor's note: The International Council for Veterinary Assessment (ICVA), described in 12 AAC 68.010(a)(3) and (b), may be reached at P.O. Box 1356, Bismarck, ND 58502; telephone: (701) 224-0332. The website for the North American Veterinary License Examination (NAVLE), administered by the ICVA, is <https://www.icva.net/navle/>.

12 AAC 68.015. EXAMINATIONS. (a) The passing score on the national examination required in 12 AAC 68.010(a) is the criterion-referenced passing score recommended by the National Board of Veterinary Medical Examiners (NBVME).

(b) The state written examination is required for applicants applying for licensure by examination and applicants applying for licensure by credentials. The following subjects will be covered on the state written examination concerning specific Alaska issues of veterinary practice:

- (1) the board statutes and regulations under AS 08.98 and 12 AAC 68;
- (2) other state statutes and regulations related to animal care;
- (3) laws regarding the import, export, and transportation of animals, health certificates, and the reporting of diseases;
- (4) veterinary epidemiology.

(c) The state written examination is an open book examination. The department will provide electronic examination and study materials to an approved applicant and will notify an applicant when material is available using the electronic mail address provided on the applicant's completed application. A completed electronic examination must be submitted to the department within 30 days after the department sends the electronic mail message, as shown by the date-stamp on the message. At an applicant's request or if an electronic mail address is not provided by the applicant, examination and study materials will be mailed directly to the applicant. An examination completed by mail must be returned to the department within 30 days after mailing, as shown by the postmark dates. The passing score on the state written examination required by (b) of this section is 90 percent or above.

Authority: AS 08.98.050

AS 08.98.165

AS 08.98.180

12 AAC 68.020. TIME AND PLACE OF EXAMINATION. Repealed 8/13/2000.

12 AAC 68.030. NOTIFICATION OF APPLICANTS. (a) An applicant will be notified in writing by the department of the applicant's grade on the applicable examinations in 12 AAC 68.015.

(b) Upon receipt of written notification of examination grade from the department, a temporary license holder under AS 08.98.180 shall notify the sponsoring veterinarian of whether the holder passed or failed the applicable examinations.

Authority: AS 08.98.050
AS 08.98.165

AS 08.98.180

AS 08.98.184

12 AAC 68.035. LICENSE BY CREDENTIALS. (a) An applicant for licensure by credentials to practice veterinary medicine, surgery, or dentistry shall submit to the board

- (1) a completed application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.350;
- (3) verification of active practice of veterinary medicine for at least five of the seven years before the date of application;
- (4) official college transcripts showing graduation from an accredited veterinary school, or official records showing successful completion of the Educational Commission for Foreign Veterinary Graduates certification process required by AS 08.98.184(1);
- (5) verification of licensure as a veterinarian in another jurisdiction and evidence of good standing as set out in 12 AAC 68.048, including the disposition of any disciplinary action taken or pending against the applicant, from all licensing jurisdictions where the applicant holds or has ever held a veterinary license;
- (6) a completed Veterinary Information Verifying Agency (VIVA) score reporting form sent directly from the American Association of Veterinary State Boards;
- (7) on a form provided by the department, four letters of professional reference completed by veterinarians licensed in this state or another jurisdiction who are familiar with the applicant's training or work in veterinary medicine; a letter of professional reference must
 - (A) be sent directly to the department from the person completing the professional reference; and
 - (B) evidence the applicant's good standing under AS 08.98.184(4) and 12 AAC 68.048 by indicating that the applicant is professionally competent, reliable, and worthy of confidence; and
- (8) any other documentation that the board determines is necessary to document compliance with AS 08.98.184.

(b) In addition to the requirements of (a) of this section, an applicant for a license by credentials must pass the state written examination required under 12 AAC 68.015.

(c) In this section, “active practice” means at least 1,000 hours of practicing veterinary medicine, surgery, or dentistry during a calendar year.

Authority: AS 08.98.050 AS 08.98.184

12 AAC 68.040. APPLICATION FOR LICENSE. An application for a license is included on the same form used for the application for examination. Space is provided on the form to indicate whether licensing will be by examination or by waiver of examination.

Authority: AS 08.98.060 AS 08.98.210

12 AAC 68.041. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice veterinary medicine for a special event only. A courtesy license does not authorize the licensee to conduct a general veterinary practice or to perform services outside the scope of practice required for that special event.

(b) The board will, in its discretion, issue a courtesy license to an applicant who

(1) submits a completed courtesy license application on a form provided by the department no later than 30 days before the special event for which the courtesy license is requested; a completed courtesy license application must be signed by the applicant’s sponsor and include all of the fees and supporting documentation required in this subsection;

(2) pays the application and licensing fees established in 12 AAC 02.350;

(3) is not a resident of this state;

(4) submits verification of

(A) a valid license and evidence of good standing as set out in 12 AAC 68.048 to practice veterinary medicine in another state or a province of Canada;

(B) current status as a specialist certified by a board recognized by the American Veterinary Medical Association (AVMA) in the specialty area for which the applicant is requesting a courtesy license; or

(C) a valid license and evidence of good standing as set out in 12 AAC 68.048 to practice veterinary medicine in a licensing jurisdiction outside of the United States or Canada; and either

(i) verification of having passed the examination of the Education Commission for Foreign Veterinary Graduates; or

(ii) a signed acknowledgment that the applicant will practice only under the direct supervision of a veterinarian who holds a permanent license in this state or who holds a permanent license in another state and a courtesy license in this state;

(5) identifies the special event for which the license is requested;

(6) identifies the scope of practice required for the event;

(7) identifies the applicant’s sponsor; and

(8) attests that the applicant has not

(A) had a veterinary license suspended or revoked in any jurisdiction;

(B) been convicted, by a civilian court of this state, the United States, or another state or territory of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 - 11.71.190 within the three years immediately before the date of application for a courtesy license; and

(C) had two or more repeat convictions, by a civilian court of this state, the United States, or another state or territory of a felony or misdemeanor involving alcohol or a controlled substance listed in AS 11.71.140 - 11.71.190 within the five years immediately before the date of application for a courtesy license, unless the applicant has also successfully completed a treatment program related to abuse of alcohol or a controlled substance since the date of the most recent conviction.

(c) A courtesy license is valid for 30 consecutive days.

(d) The holder of a courtesy license is obligated to uphold the standards of practice identified in 12 AAC 68.070 - 12 AAC 68.190 and is subject to the disciplinary provisions of AS 08.01.075 and AS 08.98.235.

(e) The board will, in its discretion, waive the 30-day application deadline in (b) of this section if the applicant requests a courtesy license to practice veterinary medicine in an emergency situation or if the board determines that the applicant’s failure to meet the application deadline is for good cause. Notwithstanding any contrary provision of this section, an applicant may submit under this subsection a notarized copy of a license that meets the requirements of (b)(4) of this section in lieu of license verification from the other jurisdiction.

(f) In this section,

(1) “direct supervision” means the supervising veterinarian is

(A) available for immediate consultation; and

(B) if necessary in the professional judgement of the supervising veterinarian, is physically on the premises with the courtesy license holder;

(2) “emergency situation” means a situation that is unforeseen and potentially threatening to human or animal life;

(3) “special event” means a

- (A) sporting event or emergency situation specifically recognized by the board;
 - (B) specialty clinic in veterinary medicine conducted by a specialist certified by the AVMA and the clinic is limited to the discipline of veterinary medicine in which the courtesy license holder is certified as a specialist;
 - (C) spay-and-neuter clinic in a community with no established veterinary service and off the interconnected road system; or
 - (D) job interview to aid in the recruiting or hiring process for a position offered by a veterinarian licensed in this state;
- (4) “sponsor” means a veterinarian licensed in this state or a representative of a veterinary association in this state who serves as the in-state contact for the board and the public on matters related to a courtesy license holder or applicant, including the courtesy license application, access to patient medical records, and provision of veterinary medical equipment.
- (g) A sponsor is responsible for assigning a supervising veterinarian for a courtesy license holder who is required to practice under a supervising veterinarian. A sponsor may not be a competitor in the sporting event for which the courtesy license holder received a license.

Authority: AS 08.01.062 AS 08.98.050 AS 08.98.165

12 AAC 68.045. TEMPORARY LICENSE. (a) An applicant for a temporary license to practice as a veterinarian shall submit

- (1) a completed application for a temporary license on a form provided by the department;
 - (2) the temporary license fee established under 12 AAC 02.350;
 - (3) a notarized copy of the applicant’s veterinary school diploma from an accredited veterinary school, an official transcript from an accredited veterinary school, or an official record showing completion of the Educational Commission for Foreign Veterinary Graduates certification process, as required under AS 08.98.165(a)(1); and
 - (4) a statement signed by the supervising veterinarian, on a form provided by the department, indicating that the applicant will be employed under the veterinarian’s supervision until the applicant’s examination results for the examination under 12 AAC 68.015(b) are reported with a passing score of at least 90 percent.
- (b) Repealed 5/30/2015.

Authority: AS 08.98.050 AS 08.98.165 AS 08.98.180
AS 08.98.080

12 AAC 68.046. TEMPORARY PERMITS. (a) The board will issue a temporary permit to conduct the veterinarian practice of a person licensed in the state who is, or will be, absent from practice to an applicant who submits

- (1) a completed application, on a form provided by the department, including the signatures of both the applicant and the licensee;
 - (2) the applicable fees established in 12 AAC 02.350;
 - (3) a notarized copy of the applicant’s veterinary school diploma from an accredited veterinary school, an official transcript from an accredited veterinary school, or an official record showing completion of the Educational Commission for Foreign Veterinary Graduates certification process, as required under AS 08.98.165(a)(1); and
 - (4) verification of licensure and evidence of good standing as set out in 12 AAC 68.048 from another jurisdiction where the applicant is currently licensed.
- (b) A temporary permit is valid for 60 days after issuance. Upon request to the board and payment of the applicable fees established in 12 AAC 02.350, a temporary permit may be renewed for an additional 60-day period.
- (c) In this section, “currently licensed” includes holding a veterinary license that is inactive in another jurisdiction, if the license may be returned to active status by the payment of fees and meeting continuing education requirements.

Authority: AS 08.98.050 AS 08.98.186

12 AAC 68.047. RENEWAL AND REINSTATEMENT OF LICENSE. (a) An applicant for renewal of a veterinary license, or to reinstate a veterinary license that has been lapsed for 60 days or less, must submit

- (1) an application for renewal or reinstatement on a form provided by the department;
 - (2) the license renewal fee established in 12 AAC 02.350; and
 - (3) documentation that the applicable continuing education requirements of 12 AAC 68.220 – 12 AAC 68.240 have been met.
- (b) An applicant for reinstatement of a veterinary license that has been lapsed for more than 60 days but less than two years must submit, in addition to the items required in (a) of this section, the delayed renewal penalty fee established in 12 AAC 03.350.
- (c) An applicant for reinstatement of a veterinary license that has been lapsed for two years or more, but less than five years must submit
- (1) an application for reinstatement on a form provided by the department;
 - (2) the applicable license renewal and delayed renewal penalty fees established in 12 AAC 02.350; and

(3) documentation of completion of all continuing education requirements in 12 AAC 68.220 – 12 AAC 68.240 that the applicant would have been required to meet to maintain a current license for the entire period that the license has been lapsed.

(d) A veterinary license that has been lapsed for five years or more may not be reinstated. The former licensee may apply for a new license under AS 08.98 and this chapter.

(e) A licensee or former licensee who was unable to obtain the required continuing education hours for renewal or reinstatement of a veterinary license due to reasonable cause or excusable neglect, may request an exemption from those requirements. The applicant must submit to the board a written request for an exemption that explains the reasonable cause or excusable neglect. If the board decides to grant the exemption, the board may require an alternative method of compliance with the continuing education requirements to ensure the applicant's continued competency.

(f) In this section, "reasonable cause or excusable neglect" includes

- (1) chronic illness;
- (2) retirement;
- (3) personal or family hardship; or
- (4) other similar circumstances as determined by the board.

Authority:	AS 08.01.065	AS 08.98.050	AS 08.98.200
	AS 08.01.100	AS 08.98.190	

12 AAC 68.048. GOOD STANDING. (a) When determining whether an applicant is in good standing under AS 08.98 and this chapter, the board will consider whether the applicant

(1) has ever received a disciplinary sanction arising from the applicant's practice of veterinary medicine, including a fine, reprimand, license suspension or revocation (except for a license action for nonpayment of license renewal fees), probationary limitation, voluntary surrender of a license in lieu of discipline, or consent agreement containing conditions placed by a veterinary licensing authority on the applicant's professional conduct and practice;

(2) has had federal Drug Enforcement Administration (DEA) privileges that have been restricted or revoked;

(3) is currently under investigation by another veterinary licensing authority for acts that would provide a basis for disciplinary action in this state;

(4) has a physical or mental impairment, or an addiction to, severe dependency on, or habitual overuse of alcohol or other drugs, that impairs the applicant's ability to practice veterinary medicine in a manner consistent with the safety of a patient or the public;

(5) has ever been convicted of a felony;

(6) has ever been convicted of a crime arising from conduct substantially related to the practice of veterinary medicine;

(7) has any pending criminal charges;

(8) is of good moral character;

(9) has submitted the applicable four letters of professional reference required under 12 AAC 68.010(a)(7) or 12 AAC 68.035(a)(7) stating that the applicant is professionally competent, reliable, and worthy of confidence.

(b) An applicant must provide information about any administrative, civil, or criminal action listed in (a) of this section in sufficient detail to enable the board to determine the circumstances and seriousness of the conduct, and whether and how it was related to the practice of veterinary medicine. The information required under this subsection must be supplied to the board directly from the appropriate authorities.

Authority:	AS 08.98.050	AS 08.98.180	AS 08.98.186
	AS 08.98.165	AS 08.98.184	

ARTICLE 2. STANDARDS OF PRACTICE.

Section

50. (Repealed)
60. (Repealed)
70. Conflict of interest
80. Treatment of patients
90. Certificate of health
100. Confidential relationship
110. (Repealed)
120. (Repealed)
130. Objectives of the profession
140. Emergency veterinary services
150. Prohibited advertising
160. Reporting illegal practice

- 170. (Repealed)
- 180. (Repealed)
- 190. Patient abandonment by owner
- 200. (Repealed)
- 210. (Repealed)

12 AAC 68.050. EVIDENCE OF INCOMPETENCE. Repealed 7/11/81.

12 AAC 68.060. APPROVED SCHOOLS. Repealed 7/11/81.

12 AAC 68.070. CONFLICT OF INTEREST. It is unprofessional to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. A conflict of interest results when a veterinarian is employed by a buyer to inspect an animal for soundness or other reason, and he or she accepts a fee from the seller. Acceptance of a fee from both the buyer and the seller is grounds for disciplinary sanction under AS 08.98.235(2) and (6).

Authority: AS 08.98.050

12 AAC 68.080. TREATMENT OF PATIENTS. A licensed veterinarian shall exercise the degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in the community in which the veterinarian practices. Failure to comply with this section constitutes incompetence for the purpose of AS 08.98.235.

Authority: AS 08.98.050 AS 08.98.235

12 AAC 68.090. CERTIFICATE OF HEALTH. No licensed veterinarian may issue a certificate of health for an animal unless he or she performs the inspection and the appropriate tests if required.

Authority: AS 08.98.050

12 AAC 68.100. CONFIDENTIAL RELATIONSHIP. (a) A licensed veterinarian shall maintain a confidential relationship with the client or the client's authorized agent.

(b) Nothing in this section limits or interferes with a licensed veterinarian's ability to report suspected animal abuse.

Authority: AS 08.98.050

12 AAC 68.110. TESTIMONIALS. Repealed 7/11/81.

12 AAC 68.120. SOLICITING. Repealed 7/11/81.

12 AAC 68.130. OBJECTIVES OF THE PROFESSION. The principal objectives of the veterinary profession are to render veterinary services to society, to assist in conserving livestock resources, and to assist in relieving suffering of animals. A veterinarian should further these objectives.

Authority: AS 08.98.050

12 AAC 68.140. EMERGENCY VETERINARY SERVICES. A veterinarian shall establish a method by which veterinary services will be available to patients in cases of emergency.

Authority: AS 08.98.050

12 AAC 68.150. PROHIBITED ADVERTISING. A veterinarian may not personally, or on behalf of an associate, use or allow to be used any form of public communication or advertising that

- (1) is false or misleading;
- (2) refers to secret methods of treatment;
- (3) is not identified as a paid advertisement; or
- (4) states or implies that a veterinarian is a certified specialist unless the veterinarian is certified in that speciality by a board recognized by the American Veterinary Medical Association.

Authority: AS 08.98.050

12 AAC 68.160. REPORTING ILLEGAL PRACTICE. A veterinarian shall report to the division incidents that the veterinarian believes to be violations of laws regulating the practice of veterinary medicine.

Authority: AS 08.98.050

12 AAC 68.170. EXERCISE OF PROFESSIONAL JUDGMENT AND SKILLS. Repealed 5/9/98.

12 AAC 68.180. PATIENT ABANDONMENT BY VETERINARIAN. Repealed 5/9/98.

12 AAC 68.190. PATIENT ABANDONMENT BY OWNER. (a) If a patient is abandoned by its owner at a veterinary clinic authorized to service the patient, and the owner refuses to claim the patient and pay the fees for services rendered, the veterinarian will be practicing the proper standard of care under AS 08.98 and this chapter for the patient if

(1) the veterinarian sends a notice of abandonment by certified mail to the last known address of the owner and the owner does not respond to the notice within ten days by claiming the patient and paying the fees for services rendered; and

(2) the veterinarian makes reasonable efforts to reach the owner.

(b) If the owner of a patient does not respond to the notice of abandonment, as described in (a) of this section, the veterinarian may dispose of the patient by sale, placement, or humane euthanasia.

Authority: AS 08.98.050

12 AAC 68.200. EMERGENCY TREATMENT. Repealed 5/9/98.

12 AAC 68.210. PROHIBITED TRANSACTIONS. Repealed 5/9/98.

ARTICLE 3. CONTINUING COMPETENCY REQUIREMENTS FOR VETERINARIANS AND VETERINARY TECHNICIANS.

Section

220. Continuing competency requirements

225. Continuing competency requirements for first-time license renewal

230. Approved continuing education programs

240. Certification of compliance

12 AAC 68.220. CONTINUING COMPETENCY REQUIREMENTS. (a) Except as provided in 12 AAC 68.225, an applicant for renewal of a veterinarian license must certify having completed 30 contact hours of continuing education during the concluding licensing period.

(b) Except as provided in 12 AAC 68.225, an applicant for renewal of a veterinary technician license must certify having completed 10 contact hours of continuing education during the concluding licensing period.

(c) For the purposes of this section,

(1) one contact hour equals a minimum of 50 minutes of instruction;

(2) one continuing education unit awarded by a professional association equals 10 contact hours;

(3) one academic semester credit hour equals 15 contact hours;

(4) one academic quarter credit hour equals 10 contact hours.

Authority: AS 08.98.050

AS 08.98.080

12 AAC 68.225. CONTINUING COMPETENCY REQUIREMENTS FOR FIRST-TIME LICENSE RENEWAL. (a) A veterinarian who is applying for license renewal for the first time shall certify having completed 15 contact hours of continuing education for each complete calendar year that the applicant was licensed during the concluding licensing period.

(b) A veterinary technician who is applying for license renewal for the first time shall certify having completed five contact hours of continuing education for each complete calendar year that the applicant was licensed during the concluding licensing period.

Authority: AS 08.98.050

AS 08.98.080

12 AAC 68.230. APPROVED CONTINUING EDUCATION PROGRAMS. (a) A veterinarian or veterinary technician shall obtain the number of continuing education contact hours required by 12 AAC 68.220 in a continuing education program sponsored by

(1) the American Veterinary Medical Association;

(2) allied veterinary medical associations and veterinary specialty boards recognized by the American Veterinary Medical Association;

(3) a state or local veterinary association;

- (4) an accredited veterinary school;
 - (5) other formal, organized professional associations approved by the board;
 - (6) courses approved by the board;
 - (7) the American Association of Veterinary State Boards Registry of Approved Continuing Education (RACE Program);
 - (8) the United States Department of Agriculture;
 - (9) Departments of Fish and Game or an equivalent governmental agency in another state; or
 - (10) the division within the Department of Health and Social Services that oversees public health or an equivalent government agency in another state.
- (b) No more than one-third of the total continuing education contact hours required under this chapter may be in nonscientific topics.

Authority: AS 08.98.050 AS 08.98.080

12 AAC 68.240. CERTIFICATION OF COMPLIANCE. (a) A veterinarian or veterinary technician shall submit, on a form provided by the department, a statement of compliance with the continuing competency requirements of 12 AAC 68.220 – 12 AAC 68.230, at the time of license renewal.

(b) The board will, in its discretion, require a veterinarian or veterinary technician to submit additional evidence of compliance with the continuing competency requirements. The veterinarian or veterinary technician shall maintain evidence of compliance with continuing competency requirements for three years from the date the continuing competency was received.

(c) Repealed 5/9/98.

Authority: AS 08.98.050 AS 08.98.080

ARTICLE 4. VETERINARY TECHNICIANS.

Section

- 300. Veterinary technician scope of practice**
- 310. Veterinary technician licensing requirements**
- 315. Veterinary technician examination**
- 320. (Repealed)**
- 330. Unethical conduct of a veterinary technician**
- 360. (Repealed)**

12 AAC 68.300. VETERINARY TECHNICIAN SCOPE OF PRACTICE. (a) A veterinary technician must be

- (1) licensed by the board;
- (2) the employee of a veterinarian licensed under AS 08.98; and
- (3) knowledgeable in
 - (A) the care and handling of animals;
 - (B) the basic principles of animal health; and
 - (C) routine laboratory and clinical procedures.

(b) The duties of a veterinary technician are limited to the performance of those services for which the veterinary technician is trained and which are compatible with the scope of AS 08.98. A veterinary technician may provide advanced animal care services, including the dispensing of medicine, only under the supervision and direction of a veterinarian licensed under AS 08.98.

(c) A veterinary technician licensed under AS 08.98 may not

- (1) prescribe medicine;
- (2) perform surgery; or
- (3) diagnose, prognose, or interpret diagnostic test results.

(d) In this section, “under the supervision and direction of a licensed veterinarian” means that the veterinary technician is employed by the supervising veterinarian to perform only those animal care duties delegated by, and within the routine practice of, the supervising veterinarian and that the supervising veterinarian

(1) accepts all responsibility for the quality and effectiveness of the care provided by the veterinary technician;

(2) personally examines the animals cared for by the veterinary technician to assure that the animal has received the proper care; however, a licensed veterinary technician may provide care to an animal under the remote direction of the technician’s employing veterinarian in communities that do not have an established veterinary practice;

(3) does all billing for the services provided by a veterinary technician.

(e) A person who is obtaining on-the-job training to meet the requirements of 12 AAC 68.310(b)(4)(B), may perform veterinary technician duties described in 12 AAC 68.300 only under the direct supervision of a licensed veterinarian or licensed veterinary technician.

(f) For the purposes of this section,

(1) “direct supervision” means the licensed veterinarian or the licensed veterinary technician who is supervising the person who is obtaining on-the-job training is on the premises and is quickly and easily available.

(2) “advanced animal care services” means the science and art of providing all aspects of professional medical care and treatment for animals, “advanced animal care services” does not include diagnosis, prognosis, surgery, and prescription for animals.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.120

12 AAC 68.310. VETERINARY TECHNICIAN LICENSING REQUIREMENTS. (a) Repealed 4/29/93.

(b) The board will, in its discretion, license a person as a veterinary technician who

(1) submits a completed application on the form provided by the department;

(2) pays the application and license fees established in 12 AAC 02.350;

(3) has passed the examination required in 12 AAC 68.315;

(4) documents the required education and training by providing

(A) official transcripts showing successful completion of a veterinary technician training program accredited by the American Veterinary Medical Association or the Canadian Veterinary Medical Association; or

(B) employment verification forms completed by the supervising veterinarian verifying that the applicant has been working at least 700 hours a year for at least two of the previous three years immediately preceding the date of application, of which one year must be within this state; but a technician who is currently licensed in another state and meets the employment verification requirements listed in this subparagraph is not required to work for one year within this state;

(5) on a form provided by the department, submits three letters of professional reference completed by persons familiar with the applicant’s education or training as a veterinary technician stating that the applicant is professionally competent, reliable, and worthy of confidence; at least two letters of reference must be completed by veterinarians licensed in this state or another jurisdiction; if the applicant graduated from a veterinary technician training program within the two years immediately preceding the date of application, letters of professional reference from instructors at the applicant’s veterinary technician training program may be substituted for the letters of professional reference from veterinarians; a letter of professional reference must be sent directly to the department from the person completing the professional reference;

(6) submits any other documentation that the board determines is necessary to determine whether the applicant meets the requirements of this section; and

(7) submits verification of licensure as a veterinary technician from each state where the applicant holds or has ever held a veterinary technician license.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.167

12 AAC 68.315. VETERINARY TECHNICIAN EXAMINATION. (a) The examination required for licensure as a veterinary technician is the Veterinary Technician National Examination sponsored by the American Association of Veterinary State Boards.

(b) An application for examination or reexamination must be received by the department not later than 15 days before the deadline to register for the examination, as set by the American Association of Veterinary State Boards. Applicants who fail the examination may retake the examination within one year from the date of their application. After the expiration of one year from the date of application, applicants who wish to retake the examination must reapply for it.

(c) An applicant for a veterinary technician license may apply to sit for the examination before meeting the requirements of 12 AAC 68.310(b)(4). However, before licensure, an applicant applying under 12 AAC 68.310(b)(4)(A) shall show proof of graduation in the form of official transcripts, a certified copy of the applicant’s diploma, or an official letter of verification of graduation sent directly to the department from the program recognized under 12 AAC 68.310(b)(4)(A). If official transcripts were not previously submitted, official transcripts must be received by the department before examination scores will be released to the applicant applying under 12 AAC 68.310(b)(4)(A).

(d) An applicant who applies to sit for the examination under (a) of this section and subsequently is unable to graduate from a program recognized under 12 AAC 68.310(b)(4)(A) and sit for the examination is ineligible for a refund of the examination fees.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.167

Editor’s note: The Veterinary Technician National Examination, described in 12 AAC 68.315, is sponsored by the American Association of Veterinary State Boards (AAVSB), 380 W. 22nd Street, Suite 101, Kansas City, MO 64108; Telephone: (816) 931-1504; website at <https://aavsb.org/vtne-overview/the-online-application>.

12 AAC 68.320. VETERINARY AIDES AND ASSISTANTS. Repealed 10/21/92.

12 AAC 68.330. UNETHICAL CONDUCT OF A VETERINARY TECHNICIAN. The following conduct is unethical for a veterinary technician and is grounds for disciplinary action under AS 08.98.235:

- (1) practicing or offering to practice as a veterinary technician without being employed and supervised by a licensed veterinarian;
- (2) accepting a payment for services rendered as a veterinary technician from someone other than the veterinary technician's employer;
- (3) compromising the confidentiality of the veterinarian-client relationship as described in 12 AAC 68.100;
- (4) failing to acknowledge that the veterinary technician is not a licensed veterinarian;
- (5) failing to acknowledge that the veterinary technician is an employee of a veterinarian;
- (6) undertaking procedures or performing treatment that has not been authorized by the supervising veterinarian;
- (7) undertaking procedures or performing treatment that the veterinary technician is not trained or competent to perform.

Authority: AS 08.98.050 AS 08.98.080 AS 08.98.235

12 AAC 68.360. VETERINARY AIDES AND ASSISTANTS. Repealed 5/9/98.

**ARTICLE 5.
STUDENT PERMIT.**

Section

500. Student permit

12 AAC 68.500. STUDENT PERMIT. (a) The board will issue a student permit to an applicant who meets the requirements of AS 08.98.188 and this section.

(b) An applicant for a student permit under this section must submit to the department

- (1) a complete application, on a form provided by the department;
- (2) repealed 5/16/2020;
- (3) a letter of good standing from the dean of the applicant's accredited college of veterinary medicine verifying the applicant is in the applicant's fourth year of veterinary school; and
- (4) a signed sponsor statement from a veterinarian licensed in this state stating that the veterinarian will supervise the student as specified in AS 08.98.188.

(c) A student permittee must be sponsored by a specific veterinarian licensed in this state, but may work under the appropriate supervision of another veterinarian licensed in this state in the same practice as the sponsor.

(d) A student permit issued under this section is nonrenewable and is valid for one year from the date of issue or until the date of the applicant's graduation from the applicant's accredited college of veterinary medicine, whichever occurs first.

Authority: AS 08.98.050 AS 08.98.188

**ARTICLE 6.
GENERAL PROVISIONS.**

Section

900. Prescription labeling

910. Medical records

920. Board member absences

930. Registration with the prescription drug monitoring program controlled substance prescription database

935. Compliance with the prescription drug monitoring program controlled substance prescription database

990. Definitions

12 AAC 68.900. PRESCRIPTION LABELING. (a) All drugs prescribed and dispensed by a veterinarian for patient treatment must be labeled at the time of dispensing.

(b) The prescription label, or unit dosage package, must contain

- (1) name of the owner of the patient;
- (2) name of the prescribing veterinarian;
- (3) name of the drug;

- (4) strength and quantity of the drug;
- (5) date dispensed;
- (6) name and address of the veterinary facility dispensing the drug; and
- (7) directions for the owner administering the drug to the patient.

Authority: AS 08.98.050

12 AAC 68.910. MEDICAL RECORDS. (a) A licensed veterinarian or veterinary medical facility shall maintain an individual record on every client or patient consultation.

(b) Original patient medical records must be retained by the veterinary medical facility or licensed veterinarian who prepared them, including all electrocardiogram tracings, radiographs, and results of laboratory tests. It is the responsibility of the veterinary medical facility or licensed veterinarian to safeguard patient and client information against loss, tampering, or use by unauthorized persons.

(c) Copies of a licensee's record or a summary report of the record, and copies of all data and papers pertaining to a particular patient must be furnished to the patient's owner, designated veterinarian, or duly authorized representative within 30 days after a written request by the owner or duly authorized representative, or within a shorter time if necessary for the care of the patient. A reasonable fee to cover the cost of preparing or obtaining the copies may be charged.

(d) Patient medical records may not be released to a third party without the written consent of the patient's owner, except that

(1) information on spaying, neutering, or rabies vaccination may be released to public health and animal control agencies without written consent; and

(2) copies of records or case summaries may be sent to other veterinarians, veterinary medical facilities, or public health agencies requiring the information for therapeutic, statistical, or other medical purposes without written consent.

(e) Unless released to the client, patient medical records must be retained by the veterinary medical facility or licensed veterinarian for a minimum of five years. Records may be disposed of by tearing, shredding, burning, or electronic disposal, so that the records are totally destroyed.

Authority: AS 08.98.050

12 AAC 68.920. BOARD MEMBER ABSENCES. The board will, in its discretion, recommend to the governor that a member be removed from the board if that member has been absent for any reason from three board meetings within a two-year period.

Authority: AS 08.01.020 AS 08.98.050

12 AAC 68.930. REGISTRATION WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. (a) A licensed veterinarian who has a federal Drug Enforcement Administration registration number must register with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200 and 12 AAC 52.855(a).

(b) A licensed veterinarian may delegate, in accordance with AS 17.30.200(d)(3), the reviewing of client information and the reporting of patient data only to another veterinarian or veterinary technician employed in the same practice who holds a current license under AS 08.68.

(c) The veterinarian's delegate must be registered with the PDMP using a separate login, and shall register using the name of the delegating veterinarian. The veterinarian may not give the veterinarian's login to a delegate

Authority: AS 08.98.050 AS 17.30.200

12 AAC 68.935. COMPLIANCE WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. (a) Unless excused under AS 17.30.200(t) and (c) of this section, a licensed veterinarian or the veterinarian's delegate must review the information in the prescription drug monitoring program (PDMP) controlled substance prescription database to check a client's prescription records before the veterinarian dispenses or prescribes a schedule II or III controlled substance to the client.

(b) Unless excused under AS 17.30.200(t) and (c) of this section, a licensed veterinarian who dispenses a schedule II, III, or IV controlled substance must submit the information as required under AS 17.30.200(b) to the PDMP daily, including days when the veterinarian does not dispense any controlled substances. When reporting a dispensed controlled substance under this subsection, the veterinarian shall use the name of the client.

(c) A licensed veterinarian is not required to review the client's information in the PDMP database before prescribing, administering, or dispensing a controlled substance if

- (1) the patient is receiving treatment
 - (A) in an inpatient setting;
 - (B) at the scene of an emergency;

- (C) in an emergency veterinary hospital; or
- (D) immediately before, during, or within the first 48 hours after surgery or a medical procedure; or
- (2) the prescription is non-refillable and is written for a quantity intended to last for not more than three days.
- (d) In this section,
 - (1) "reporting" means inputting prescription data for the client's animal patient;
 - (2) "emergency veterinary hospital" means a veterinary hospital or emergency service that
 - (A) is an independent after-hours service, an independent 24-hour service, or part of a full-service hospital;
 - (B) has the primary function of receiving, treating, and monitoring emergency patients during its specified hours of operation; and
 - (C) has a licensed veterinarian in attendance at all hours of operation and sufficient staff available to provide timely and appropriate care.

Authority: AS 08.98.050 AS 17.30.200

12 AAC 68.990. DEFINITIONS. In this chapter

- (1) "client" means the person who owns or is responsible for the care of an animal;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "patient" means the animal or animals under the care of a veterinarian;
- (4) "division" means the division of corporations, business and professional licensing in the department;
- (5) "board" means the Board of Veterinary Examiners established under AS 08.98.010;
- (6) "veterinary facility" or "veterinary medical facility"
 - (A) means any premises or facility where the practice of veterinary medicine is performed, including a mobile clinic, temporary clinic, outpatient clinic, veterinary hospital or clinic, emergency facility, specialty facility, referral facility, or veterinary center;
 - (B) does not include the premises of
 - (i) a veterinary client;
 - (ii) a research facility; or
 - (iii) the United States armed forces.

Authority: AS 08.98.050

APPENDIX A

CHAPTER 30. CONTROLLED SUBSTANCES

Sec. 17.30.200. Controlled substance prescription database. (a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule II, III, or IV controlled substance under federal law dispensed in the state to a person other than under the circumstances described in (t) of this section.

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those dispensed or administered under the circumstances described in (t) of this section, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a daily basis:

- (1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;
- (2) the date of the prescription;
- (3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;
- (4) the name, address, and date of birth of the person for whom the prescription was written;
- (5) the name and national drug code of the controlled substance;
- (6) the quantity and strength of the controlled substance dispensed;
- (7) the name of the drug outlet dispensing the controlled substance; and
- (8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

(c) The board shall maintain the database in an electronic file or by other means established by the board to facilitate use of the database for identification of

- (1) prescribing practices and patterns of prescribing and dispensing controlled substances;
- (2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;
- (3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and
- (4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

(d) The database and the information contained within the database are confidential, are not public records, are not subject to public disclosure, and may not be shared with the federal government. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the database only to the following persons, and in accordance with the limitations provided and regulations of the board:

- (1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;
- (2) authorized board personnel or contractors as required for operational and review purposes;
- (3) a licensed practitioner having authority to prescribe controlled substances or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance; the agent or employee must be licensed or registered under AS 08;
- (4) a licensed or registered pharmacist having authority to dispense controlled substances or an agent or employee of the pharmacist whom the pharmacist has authorized to access the database on the pharmacist's behalf, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance; the agent or employee must be licensed or registered under AS 08;
- (5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant or order issued by a court establishing probable cause for the access and use of the information;
- (6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed \$10;
- (7) a licensed pharmacist employed by the Department of Health and Social Services who is responsible for administering prescription drug coverage for the medical assistance program under AS 47.07, to the extent that the information relates specifically to prescription drug coverage under the program;
- (8) a licensed pharmacist, licensed practitioner, or authorized employee of the Department of Health and Social Services responsible for utilization review of prescription drugs for the medical assistance program under AS

47.07, to the extent that the information relates specifically to utilization review of prescription drugs provided to recipients of medical assistance;

(9) the state medical examiner, to the extent that the information relates specifically to investigating the cause and manner of a person's death;

(10) an authorized employee of the Department of Health and Social Services may receive information from the database that does not disclose the identity of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying and monitoring public health issues in the state; however, the information provided under this paragraph may include the region of the state in which a patient, prescriber, and dispenser are located and the specialty of the prescriber; and

(11) a practitioner, pharmacist, or clinical staff employed by an Alaska tribal health organization, including commissioned corps officers of the United States Public Health Service employed under a memorandum of agreement; in this paragraph, "Alaska tribal health organization" has the meaning given to "tribal health program" in 25 U.S.C. 1603.

(e) The failure of a pharmacist-in-charge or a pharmacist to register or submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist. The failure of a practitioner to register or review the database as required under this section is grounds for the practitioner's licensing board to take disciplinary action against the practitioner.

(f) The board may enter into agreements with (1) dispensers in this state that are not regulated by the state to submit information to and access information in the database, and (2) practitioners in this state to access information in the database, subject to this section and the regulations of the board. The board shall prohibit a dispenser that is not regulated by the state from accessing the database if the dispenser has accessed information in the database contrary to the limitations of this section, discloses information in the database contrary to the limitations of this section, or allows unauthorized persons access to the database.

(g) The board shall promptly notify the president of the senate and the speaker of the house of representatives if, at any time after September 7, 2008, the federal government fails to pay all or part of the costs of the controlled substance prescription database.

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

(i) A person who has reason to believe that prescription information from the database has been illegally or improperly accessed shall notify an appropriate law enforcement agency.

(j) The board shall notify any person whose prescription information from the database is illegally or improperly accessed.

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure and time frame for registration with the database;

(4) that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient; the regulations must provide that a practitioner is not required to review the information in the database before dispensing, prescribing, or administering

(A) a controlled substance to a person who is receiving treatment

(i) in an inpatient setting;

(ii) at the scene of an emergency or in an ambulance; in this sub-subparagraph, "ambulance" has the meaning given in AS 18.08.200;

(iii) in an emergency room;

(iv) immediately before, during, or within the first 48 hours after surgery or a medical procedure;

(v) in a hospice or nursing home that has an in-house pharmacy; or

(B) a nonrefillable prescription of a controlled substance in a quantity intended to last for not more than three days.

(l) A person

(1) with authority to access the database under (d) of this section who knowingly

(A) accesses information in the database beyond the scope of the person's authority commits a class A misdemeanor;

(B) accesses information in the database and recklessly discloses that information to a person not entitled to access or to receive the information commits a class C felony;

(C) allows another person who is not authorized to access the database to access the database commits a class C felony;

(2) without authority to access the database under (d) of this section who knowingly accesses the database or knowingly receives information that the person is not authorized to receive under (d) of this section from another person commits a class C felony.

- (m) To assist in fulfilling the program responsibilities, performance measures shall be reported to the legislature annually. Performance measures
- (1) may include outcomes detailed in the federal prescription drug monitoring program grant regarding efforts to
- (A) reduce the rate of inappropriate use of prescription drugs by reporting education efforts conducted by the Board of Pharmacy;
- (B) reduce the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit;
- (C) increase coordination among prescription drug monitoring program partners;
- (D) involve stakeholders in the planning process;
- (2) shall include information related to the
- (A) security of the database; and
- (B) reductions, if any, in the inappropriate use or prescription of controlled substances resulting from the use of the database.
- (n) A pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law shall register with the database by a procedure and in a format established by the board.
- (o) The board shall promptly notify the State Medical Board, the Board of Nursing, the Board of Dental Examiners, the Board of Examiners in Optometry, and the Board of Veterinary Examiners when a practitioner registers with the database under (n) of this section.
- (p) The board is authorized to provide unsolicited notification to a pharmacist, practitioner's licensing board, or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice. An unsolicited notification to a practitioner's licensing board under this section
- (1) must be provided to the practitioner;
- (2) is confidential;
- (3) may not disclose information that is confidential under this section;
- (4) may be in a summary form sufficient to provide notice of the basis for the unsolicited notification.
- (q) The board shall update the database on at least a daily basis with the information submitted to the board under (b) of this section.
- (r) The Department of Commerce, Community, and Economic Development shall
- (1) assist the board and provide necessary staff and equipment to implement this section; and
- (2) establish fees for registration with the database by a pharmacist or practitioner required to register under (n) of this section so that the total amount of fees collected by the department equals the total operational costs of the database minus all federal funds acquired for the operational costs of the database; in setting the fee levels, the department shall
- (A) set the fees for registration with the database so that the fees are the same for all practitioners and pharmacists required to register; and
- (B) consult with the board to establish the fees under this paragraph.
- (s) Notwithstanding (p) of this section, the board may issue to a practitioner periodic unsolicited reports that detail and compare the practitioner's opioid prescribing practice with other practitioners of the same occupation and similar specialty. A report issued under this subsection is confidential and the board shall issue the report only to a practitioner. The board may adopt regulations to implement this subsection. The regulations may address the types of controlled substances to be included in an unsolicited report, the quantities dispensed, the medication strength, and other factors determined by the board.
- (t) A practitioner or a pharmacist is not required to comply with the requirements of (a) and (b) of this section if a controlled substance is
- (1) administered to a patient at
- (A) a health care facility; or
- (B) a correctional facility;
- (2) dispensed to a patient for an outpatient supply of 24 hours or less at a hospital
- (A) inpatient pharmacy; or
- (B) emergency department.
- (u) In this section,
- (1) "board" means the Board of Pharmacy;
- (2) "database" means the controlled substance prescription database established in this section;
- (3) "knowingly" has the meaning given in AS 11.81.900;
- (4) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;
- (5) "pharmacist-in-charge" has the meaning given in AS 08.80.480.

APPENDIX B

TITLE 9. CODE OF CIVIL PROCEDURE

CHAPTER 65 MISCELLANEOUS PROVISIONS

Sec. 09.65.097. Civil liability for emergency veterinary care. (a) A veterinarian licensed in this or another licensing jurisdiction, or a person working under the direct supervision of a licensed veterinarian, who renders emergency care to an injured or ill animal that reasonably appears to the veterinarian or supervised person to be in immediate need of emergency aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid.

(b) This section does not apply to service rendered at the request of an owner of the animal and does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct. (§ 1 ch 18 SLA 1986)